

302 KAR 16:020. Inspection and operation of amusement rides or amusement attractions.

RELATES TO: KRS 247.232, 247.234(3), 247.236(3)

STATUTORY AUTHORITY: KRS 247.234, 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(3)(b) and (d) require the department to promulgate administrative regulations establishing initial safety inspection fees and safety requirements for amusement rides or attractions. KRS 247.236(3) requires the department to promulgate an administrative regulation establishing the requirements for the construction of safety barriers around an amusement ride or attraction. This administrative regulation establishes safety guidelines for the operation and inspection of amusement rides or attractions and establishes the initial safety inspection fees.

Section 1. Definitions. (1) "Air inflatable device" means an object that is filled with air by an electric motor-driven blower.

(2) "Chair lift or aerial tramway" means an amusement ride or amusement attraction that is operated by a series of cables and pulleys.

(3) "Dark ride" means an amusement ride or amusement attraction which is enclosed and has the lights turned off during the duration of the ride, and is a nonmechanized self-propelled amusement.

(4) "Go-cart facility" means an amusement ride or amusement attraction that carries a rider on a fixed path and includes the vehicle which travels the fixed path.

(5) "Inspection fee" means a fee required to be paid to operate any amusement ride or amusement attraction in Kentucky.

(6) "Kiddie ride" means an amusement ride or amusement attraction that has a height requirement of forty-two (42) inches or less to ride.

(7) "Major ride" means any ride that:

(a) Has height requirement of forty-three (43) inches or greater to ride; and

(b) Does not have a specific fee established for it in Section 2 of this administrative regulation.

(8) "Play port" means an object designed for use by children on which a child can swing, walk, climb, or slide, and which follows a fixed path.

(9) "Steel roller coaster" means roller coaster of which the track portion is constructed of steel or other metal material.

(10) "Walk through" means a fun house, glass house, or laser tag that is nonmechanized and self-propelled.

(11) "Water ride" means an amusement ride or amusement attraction which uses water as a means of propulsion and includes bumper boats and water park slides which are in excess of fifteen (15) feet at the highest point of the slide.

(12) "Wooden roller coaster" means a roller coaster of which the track portion is constructed of wood material.

Section 2. (1) All amusement ride and amusement attractions operating in Kentucky shall bear an initial safety inspection seal. Following an initial safety inspection, an initial safety inspection seal shall be affixed to a permanent and accessible section of the amusement ride or amusement attraction.

(2) If the required initial safety inspection seal does not appear on the amusement ride or amusement attraction, operation of the amusement ride or amusement attraction shall be stopped until proof of an initial inspection is provided.

Section 3. Initial safety inspection fees shall be levied for each amusement ride and amusement attraction. The initial safety inspection fees shall be assessed as follows:

- (1) Air inflatable devices shall be fifty (50) dollars;
- (2) Euro or turbo bungee shall be seventy-five (75) dollars;
- (3) Kiddie rides shall be seventy-five (75) dollars;
- (4) Play port shall be seventy-five (75) dollars;
- (5) Climbing walls shall be seventy-five (75) dollars;
- (6) Water rides shall be seventy-five (75) dollars;
- (7) Dark rides shall be seventy-five (75) dollars;
- (8) Walk throughs and glass houses shall be seventy-five (75) dollars;
- (9) Tracked or trackless trains shall be \$100;
- (10) Go cart facility shall be \$125;
- (11) Major rides shall be \$150;
- (12) Steel roller coaster shall be \$200;
- (13) Bungee or ejector seat shall be \$200;
- (14) Wooden roller coaster shall be \$300; and
- (15) Any amusement ride or amusement attraction not listed in this section shall be \$150.

Section 4. All new permanent amusement rides and amusement attractions shall have all required state and local permits before the initial safety inspection.

Section 5. All amusement rides and amusement attractions shall be under the supervision of an operator at all times during the operation of the amusement ride or amusement attraction.

Section 6. (1) All amusement rides and amusement attractions which are potentially hazardous to spectators shall be fenced to provide protection to bystanders and riders in accordance with KRS 247.236(3).

(2) A barrier providing a safe distance from the outermost arc shall be present for aerial amusement rides or swings.

Section 7. Properly charged fire extinguishers shall be present at all amusement rides and amusement attractions not more than seventy-five (75) feet from any point of a ride. A first aid kit shall be available at the park, fair, event, or ride location.

Section 8. The operator of an amusement ride or amusement attraction shall deny admittance to an amusement ride or amusement attraction to persons who appear to be under the influence of alcohol or drugs, persons who are wearing footwear or clothing that may cause a safety concern, or persons who have in their possession any object that can be dropped from the amusement ride or amusement attraction.

Section 9. (1) All power units shall be shielded to provide for public safety.

(2) An amusement ride or amusement attraction, or its power unit, shall not be located where it may present a fire hazard to adjacent buildings, exhibits, or other structures.

(3) Use of gasoline engines and storage of gasoline in or adjacent to a riding device shall be in an approved safety container and at a safe distance from the amusement ride or amusement attraction.

(4) All electrical wires leading to and from the amusement ride or amusement attraction shall be protected and insulated to prevent shock hazard and shall be properly grounded. All

electrical junction boxes shall be locked or sealed.

Section 10. Pre-operation Inspection. (1) The owner or operator shall provide to the department's safety inspectors the manufacturer pre-operational inspection checklist specific to each ride or attraction.

(2) The owner of the ride or attraction shall develop a daily pre-opening checklist which shall contain, at a minimum, all requirements listed in the operator manual, the date and time of the pre-operation inspection, printed name of the person completing the pre-operation inspection, and signature of the person completing the pre-operation inspection.

(3) The owner or operator of an amusement ride or attraction shall perform a pre-opening daily pre-operation inspection prior to public use of the ride or attraction, using the checklist provided by the owner, in accordance with subsection (2) of this section. This pre-opening inspection shall include rides or attractions that do not require an operator.

(4) Upon request, the owner or operator shall immediately provide to the safety inspector a logbook containing all pre-operation daily inspections for the previous twelve (12) months. This logbook shall be kept in close proximity to the ride or attraction.

Section 11. Amusement rides and attractions shall be operated according to manufacturer's guidelines.

Section 12. To assure continued safety of amusement rides and amusement attractions, routine inspections may be conducted at undetermined times throughout the year. (11 Ky.R. 94; Am. 400; eff. 9-11-84; 1644; eff. 6-4-85; 29 Ky.R. 2335; 2664; eff. 5-15-03; 33 Ky.R. 888; 1304; eff. 11-8-06; 35 Ky.R. 2131; 2420; eff. 6-5-09.)